

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

RON FOSTER, individually, and
FOSTER FARMS, LLC and
MARKETING & PLANNING SPECIALISTS
LIMITED PARTNERSHIP,

Plaintiffs,

v.

Civil Action No. 2:14-16744

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and
GINA MCCARTHY, in her official capacity
as Administrator, UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

Defendants

ORDER

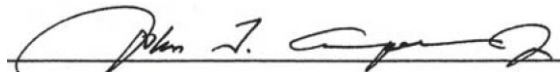
On February 21, 2017, defendants filed a motion for summary judgment with respect to all of plaintiffs' claims and as to its counterclaim. That same day, plaintiffs filed a motion for summary judgment with respect to defendants' counterclaim.

Although discovery has closed, discovery with respect to plaintiffs' First Amendment retaliation claim is still ongoing due to the motion to compel currently pending before the magistrate judge on that issue.

Plaintiffs have requested additional time to respond to defendants' motion for summary judgment, which in part asks for summary judgment on the First Amendment retaliation claim. Inasmuch as the summary judgment motion on plaintiffs' First Amendment claim is premature until discovery is completed on that matter, the parties are directed to defer further briefing on the motion for summary judgment filed by defendants on February 21, 2017, and by plaintiffs that same day, until further order of the court.

The Clerk is directed to transmit copies of this order to counsel of record and any unrepresented parties.

ENTER: March 2, 2017

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge